



SEALED

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LOREN L. QUALLS, et. al.,
Plaintiffs,

v.

SMALL BUSINESS ADMINISTRATION,
et. al.,
Defendants.

Case No. 1:22-cv-00511-JLT-HBK

ORDER DIRECTING PLAINTIFF TO FILE
PROOF OF SERVICE ON THE UNITED
STATES ATTORNEY

THIRTY-DAY DEADLINE

FILED UNDER SEAL

This matter comes before the Court upon review of the docket. Plaintiff, who is proceeding pro-se, initiated this qui tam action on April 29, 2022, as a relator on behalf of the United States of America under the False Claims Act, 31 U.S.C. § 3729-3733. (Doc. No. 1). A review of the docket reveals that there is no proof of service upon the Government and no other docket activity since the initial complaint was filed. (*See* docket). It is unclear whether service was effectuated upon the United States Attorney.

“A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the Government pursuant to Rule 4(d)(4) of the Federal Rules of civil Procedure.” 31 U.S.C. § 3730(b)(2); *see also Mikovits v. Whittemore Peterson Institute*, 2020 WL 1000519 (D. Nev. Mar. 2, 2020) (dismissing qui tam action because plaintiff failed to file proof of service); *U.S. ex. Rel. Pilon v. Martin Marietta Corp.*, 60 F.3d 995 (2d Cir. 1995) (dismissing two of plaintiff’s qui tam claims where the government was not

1 served). Plaintiff paid the filing fee and is responsible for serving the Government. (*See* Doc.
2 No. 2). Plaintiff must complete service of process by serving the Government and file proof
3 thereof with the court within ninety days (90) from when a complaint is filed. Fed. R. Civ. P. 4.

4 Accordingly, it is **ORDERED**:

- 5 1. Within thirty (30) days from the date of this Order, Plaintiff must file proof of service
6 upon the Government.
- 7 2. Plaintiff's failure to timely complete service on the Government, and to file proof
8 thereof with the Court, will result in the undersigned recommending this action be
9 dismissed for failure to prosecute this action.
- 10 3. The Clerk of Court shall file this Order UNDER SEAL.

11
12 Dated: August 30, 2022


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE